

**DECLARATION AND POWER OF ATTORNEY FOR  
UNITED STATES LETTERS PATENT APPLICATION**

As a below-named inventor, I hereby declare that:

My residence, post-office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**TISSUE POSITIONING APPARATUS AND METHOD FOR PROTECTING  
TISSUE FROM RADIOTHERAPY**

the specification of which

(check one)

\_\_\_\_\_ is attached hereto.

  X   was filed on June 15, 2001 as

Application Serial No. 09/882,506

and was amended on \_\_\_\_\_ (if applicable).

In the event that the filing date and/or Application No. are not entered above at the time I execute this document, and if such information is deemed necessary, I hereby authorize and request my attorneys at Nutter, McClennen & Fish, LLP, One International Place, Boston, MA 02110-2699, to insert above the filing date and/or Application No. of said application.

I hereby state that I have reviewed and understand the contents of the above-identified application specification, including the claims, as amended by any amendment specifically referred to herein.

I acknowledge the duty to disclose all information known to me that is material to patentability in accordance with Title 37, Code of Federal Regulations, §1.56.

# FOREIGN PRIORITY CLAIM

I hereby claim foreign priority benefits under Title 35, United States Code §119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Check one:

☒ no such foreign applications have been filed.

☐ such foreign applications have been filed as follows

EARLIEST FOREIGN APPLICATION(S), IF ANY FILED WITHIN 12 MONTHS  
(6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION

Country	Application Number	Date of Filing (month, day, year)	Priority Claimed Under 35 USC 119
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No

ALL FOREIGN APPLICATION(S), IF ANY FILED MORE THAN 12 MONTHS  
(6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION


**CLAIM FOR BENEFIT OF EARLIER U.S. PROVISIONAL APPLICATION(s)**

I hereby claim priority benefits under Title 35, United States Code §119(e), of any United States provisional patent application(s) listed below:

Check one:

X  no such U.S. provisional applications have been filed.

such U.S. provisional applications have been filed as follows:

Application Number	Date of Filing (month, day, year)	Priority Claimed Under 35 USC 119(e)
		<u> </u> Yes <u> </u> No <u> </u>
		<u> </u> Yes <u> </u> No <u> </u>
		<u> </u> Yes <u> </u> No <u> </u>

**CLAIM FOR BENEFIT OF EARLIER U.S./PCT APPLICATION(s)**

I hereby claim the benefit under Title 35, United States Code §120, of the United States Application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United State Code, §112, I acknowledge the duty to disclose all information that is material to patentability in accordance with Title 37, Code of Federal Regulations, §1.56, and which became available to me between the filing date of the prior application and the national or PCT international filing date of this application:

Check one:

X  no such U.S./PCT applications have been filed.

such U.S./PCT applications have been filed as follows:

Application Number	Date of Filing (month, day, year)	Status (Patented/Pending/Abandoned)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

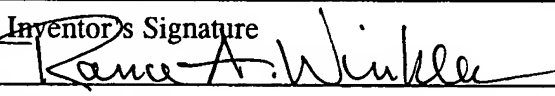
I hereby appoint:

Ronald E. Cahill	Reg. No. 38,403	Lisa Michaud	Reg. No. 44,238
Thomas J. Engellenner	Reg. No. 28,711	Reza Mollaaghababa	Reg. No. 43,810
Michael I. Falkoff	Reg. No. 30,833	Tram Anh T. Nguyen	Reg. No. 47,257
William C. Geary III	Reg. No. 31,359	David J. Powsner	Reg. No. 31,868

all of Nutter McClennen & Fish, LLP, One International Place, Boston, Massachusetts 02110-2699, jointly, and each of them severally, my attorneys at law, with full power of substitution, delegation and revocation, to prosecute this application, to make alterations and amendments therein, to receive the patent, and to transact all business in the Patent and Trademark Office connected therewith.

Please direct all telephone calls and address all correspondence to:

Thomas J. Engellenner  
Nutter McClennen & Fish, LLP  
One International Place  
Boston, Massachusetts 02110-2699  
Telephone No. (617) 439-2948  
Facsimile: (617) 973-9948

Full name of sole or first joint inventor Rance A. Winkler	
Inventor's Signature 	Date Sept. 17, 2001
Residence 3435 Kingsboro Road Northeast, Apt. 702, Atlanta, Georgia 30326	
Country of Citizenship USA	
Post Office Address (if different) Same as above	